

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1600

H.P. 1172

House of Representatives, December 30, 2013

**An Act To Require Health Insurers To Provide Coverage for
Human Leukocyte Antigen Testing To Establish Bone Marrow
Donor Transplantation Suitability**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 23, 2013. Referred to the Committee on Insurance and Financial Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative RANKIN of Hiram.
Cosponsored by Senator LANGLEY of Hancock and
Representatives: BEAVERS of South Berwick, BECK of Waterville, COOPER of Yarmouth,
DAUGHTRY of Brunswick, GATTINE of Westbrook, KINNEY of Limington, KORNFIELD
of Bangor, LONGSTAFF of Waterville, NADEAU of Winslow, PLANTE of Berwick,
THERIAULT of Madawaska, Senators: MILLETT of Cumberland, PATRICK of Oxford.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 24 MRSA §2317-B, sub-§12-I** is enacted to read:

3 **12-I. Title 24-A, sections 2769, 2847-U and 4260.** Coverage for the cost of testing
4 for bone marrow donation suitability, Title 24-A, sections 2769, 2847-U and 4260;

5 **Sec. 2. 24-A MRSA §2769** is enacted to read:

6 **§2769. Coverage for the cost of testing for bone marrow donation suitability**

7 **1. Required coverage.** All individual health insurance policies and contracts must
8 provide coverage for laboratory fees up to \$150 arising from human leukocyte antigen
9 testing performed to establish bone marrow transplantation suitability in accordance with
10 the following requirements:

11 A. The individual covered under the policy or contract must meet the criteria for
12 testing established by the National Marrow Donor Program, or its successor
13 organization;

14 B. The testing must be performed in a facility that is accredited by a national
15 accrediting body with requirements that are substantially equivalent to or more
16 stringent than those of the College of American Pathologists and is certified under the
17 federal Clinical Laboratories Improvement Act of 1967, 42 United States Code,
18 Section 263a; and

19 C. At the time of the testing, the individual covered under the policy or contract must
20 complete and sign an informed consent form that authorizes the results of the test to
21 be used for participation in the National Marrow Donor Program, or its successor
22 organization, and acknowledges a willingness to be a bone marrow donor if a suitable
23 match is found.

24 **2. Prohibition.** A testing facility may not bill, charge, collect a deposit from, seek
25 payment or reimbursement from or seek recourse against an individual covered under the
26 policy or contract or a person acting on behalf of the individual for any portion of the
27 laboratory fees.

28 **Sec. 3. 24-A MRSA §2847-U** is enacted to read:

29 **§2847-U. Coverage for the cost of testing for bone marrow donation suitability**

30 **1. Required coverage.** All group health insurance policies, contracts and
31 certificates must provide coverage for laboratory fees up to \$150 arising from human
32 leukocyte antigen testing performed to establish bone marrow transplantation suitability
33 in accordance with the following requirements:

34 A. The individual covered under the policy, contract or certificate must meet the
35 criteria for testing established by the National Marrow Donor Program, or its
36 successor organization;

1 B. The testing must be performed in a facility that is accredited by a national
2 accrediting body with requirements that are substantially equivalent to or more
3 stringent than those of the College of American Pathologists and is certified under the
4 federal Clinical Laboratories Improvement Act of 1967, 42 United States Code,
5 Section 263a; and

6 C. At the time of the testing, the individual covered under the policy, contract or
7 certificate must complete and sign an informed consent form that authorizes the
8 results of the test to be used for participation in the National Marrow Donor Program,
9 or its successor organization, and acknowledges a willingness to be a bone marrow
10 donor if a suitable match is found.

11 **2. Prohibition.** A testing facility may not bill, charge, collect a deposit from, seek
12 payment or reimbursement from or seek recourse against an individual covered under the
13 policy, contract or certificate or a person acting on behalf of the individual for any portion
14 of the laboratory fees.

15 **Sec. 4. 24-A MRSA §4260** is enacted to read:

16 **§4260. Coverage for the cost of testing for bone marrow donation suitability**

17 **1. Required coverage.** All individual and group health maintenance organization
18 contracts must provide coverage for laboratory fees up to \$150 arising from human
19 leukocyte antigen testing performed to establish bone marrow transplantation suitability
20 in accordance with the following requirements:

21 A. The individual covered under the contract must meet the criteria for testing
22 established by the National Marrow Donor Program, or its successor organization;

23 B. The testing must be performed in a facility that is accredited by a national
24 accrediting body with requirements that are substantially equivalent to or more
25 stringent than those of the College of American Pathologists and is certified under the
26 federal Clinical Laboratories Improvement Act of 1967, 42 United States Code,
27 Section 263a; and

28 C. At the time of the testing, the individual covered under the contract must complete
29 and sign an informed consent form that authorizes the results of the test to be used for
30 participation in the National Marrow Donor Program, or its successor organization,
31 and acknowledges a willingness to be a bone marrow donor if a suitable match is
32 found.

33 **2. Prohibition.** A testing facility may not bill, charge, collect a deposit from, seek
34 payment or reimbursement from or seek recourse against an individual covered under the
35 contract or a person acting on behalf of the individual for any portion of the laboratory
36 fees.

37 **Sec. 5. Exemption from review.** Notwithstanding the Maine Revised Statutes,
38 Title 24-A, section 2752, this Act is enacted without review and evaluation by the
39 Department of Professional and Financial Regulation, Bureau of Insurance.

